

DISPOSITION: February 18, 1947. The defendants having entered pleas of not guilty, the case came on for trial before the court. After consideration of the evidence and arguments of counsel, the court returned a verdict of not guilty and the information was ordered dismissed.

11299. Adulteration and misbranding of Sol-A-Min. U. S. v. Albert Hassman. Motion to dismiss indictment denied. Plea of guilty. Fine, \$1,000 and costs. (F. D. C. No. 14285. Sample No. 49067-F.)

INFORMATION FILED: Indictment returned February 13, 1945, Northern District of Ohio, against Albert Hassman, president of Universal Products, Inc., Cleveland, Ohio.

ALLEGED SHIPMENT: On or about February 8, 1944, from the State of Ohio into the State of Indiana.

PRODUCT: Analysis disclosed that the product consisted of organic material and small amounts of compounds containing calcium, phosphorus, iron, and iodine.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B and iron, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), certain statements on the label of the article and in accompanying leaflets entitled "Every Person Should Know About Sol-A-Min" were false and misleading in that they represented and suggested that one heaping teaspoonful (approximately one-half ounce) would supply one-fourth of the minimum daily adult requirement of vitamin C and three-eighths of the minimum daily adult requirement of iron; that the article would be of value as a source of the nutritional elements present in soya beans, vitamin B₆, and calcium pantothenate; that it would be efficacious to insure good health and normal functioning of the various organs of the body; that it would be efficacious in preventing and correcting night blindness, "xerophthalmia" (disease of the eye), muscular weakness, inflammation of the nerves, paralysis, fatal effusion, skin conditions, indigestion, disturbances of the nervous system, and nutritional anemia; and that it is not feasible to obtain the vitamins and minerals needed in normal nutrition from ordinary foods. The article would be of no consequential value as a source of the nutritional elements present in the stated ingredients, and it would not be efficacious for the purposes represented. Furthermore, it is feasible to obtain the vitamins and minerals needed in normal nutrition from ordinary foods; and 1 heaping teaspoonful of the article (approximately one-half ounce) would not supply one-fourth of the minimum daily adult requirement of vitamin C and three-eighths of the minimum daily adult requirement of iron.

The indictment alleged also that another product, Yuk-Air Compound, was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2151.

DISPOSITION: March 31, 1947. The defendant's motion to dismiss the indictment having been denied, a plea of guilty was entered and the court imposed a fine of \$1,000 and costs.

11300. Misbranding of Pavo Food, Natural B Complex Tablets, Nurex Tablets, Vitamin Minerals Tablets, and Raygo Tablets. U. S. v. 7 Jars, etc. (F. D. C. No. 14661. Sample Nos. 81581-F, 81583-F to 81586-F, incl.)

LABEL FILED: On or about December 26, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 23 and 25, 1944, by the Pavo Co., from Minneapolis, Minn.

PRODUCT: 15 jars of Pavo Food, 9 bottles of Natural B Complex Tablets, 21 bottles of Nurex Tablets, 21 bottles of Vitamin Minerals Tablets, and 65 bottles of Raygo Tablets at Kansas City, Mo., together with a number of circulars entitled "So It's You Again, Is It? A Gray Hair!" and "Are You Below Par?" and a booklet entitled "Pavo Food Special Dietary Basic Food." The Pavo Food was in 16- and 32-ounce jars, and the other products were in 80-, 85-, 185-, 250-, 270-, and 285-tablet-size bottles.

Examination disclosed that the Pavo Food consisted of a powdered mixture of soybean flour, oils, and sugar, calcium, phosphorus, and iron compounds, and traces of magnesium, copper, zinc, and cobalt; that the Natural B Complex Tablets contained vitamin B₁, riboflavin, and niacin; that the Nurex Tablets contained vitamin B₁, calcium, magnesium, iron, sodium, and potassium; that the Vitamin Minerals Tablets contained calcium, phosphorus, and

iron compounds, vitamin C and organic matter, and traces of iodides and copper; and that the Raygo Tablets contained calcium and iron compounds, yeast, and other organic matter.

NATURE OF CHARGE: Pavo Food, misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading since they represented and suggested that the article, prepared and used as directed, would be appropriate for infant feeding and would supply adequate nourishment for infants; that it was a rich source of protein; that it was effective in maintaining the alkalinity of the body; that it was of tremendous importance as a source of trace mineral elements; that it would be of value to persons who were below par, underweight, anemic, and allergic; and that it would be efficacious in the treatment of excess acidity, stomach distress, headaches, skin eruptions, abscesses or boils, rheumatism, inflammation of the eyes or other organs, catarrh, chills, and fever, and many other ailments. The article would not be appropriate for infant feeding and would not supply adequate nourishment for infants because the volumes specified to be fed were greater than the infant's stomach could accommodate and because the intervals between the feedings specified were too brief for proper gastric processes; it was not a rich source of protein; it was not effective in maintaining the alkalinity of the body; it was not of value as a source of trace minerals; it would not be of value to persons who were below par, underweight, anemic, and allergic; and it would not be efficacious in the treatment of excess acidity, stomach distress, headaches, skin eruptions, and abscesses or boils, and the other disease conditions mentioned.

Natural B Complex Tablets, misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading since the article would not fulfill the promises of benefit stated and implied thereby. The statements represented and implied that the article would be of value to persons who were below par and always tired, sleepy, and listless; that it would make one feel like a new person; and that it would enable one to live his life in a way to enjoy it.

Nurex Tablets, misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading since they represented and suggested that the article was of nutritional and therapeutic value because of the presence of sodium, potassium, and magnesium; that it would be of value to ones who were nervous, irritable, despondent, blue, and unable to sleep nights; and that it would relax taut nerves. The article was of no nutritional or therapeutic value by reason of the minerals mentioned, and it would not be effective to fulfill the promises of benefits stated and implied. Section 403 (j), the article was represented as a food for special dietary uses, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of calcium and iron supplied by a specified quantity of the article when consumed during a period of 1 day.

Vitamin Minerals Tablets, misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading since they represented and suggested that the article would enable persons to keep healthy, young, and beautiful, and to keep their skin, hair, and nails in youthful condition. The article would not fulfill the promises of benefits stated and implied.

Raygo Tablets, misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading since they represented and suggested that the article would be effective to restore the original color to gray hair. The article would not be effective for such purpose.

The Natural B Complex Tablets, the Nurex Tablets, and the Vitamin Minerals Tablets were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2155.

DISPOSITION: October 18, 1945. Jack G. Pavo, trading as the Pavo Co., having appeared as claimant and having filed an answer denying that the products were misbranded, and the court having found that the articles were misbranded within the meaning of the law, judgment of condemnation was entered. The products were ordered released under bond to be brought into compliance with the law by relabeling or destruction, as the circumstances might require, under the supervision of the Food and Drug Administration.